REMARKS

The non-final Office Action dated February 6, 2009 has been received and its contents carefully noted.

Claims 40-53, 64, 69-72 and 74-81 are pending in the application.

Claims 59-62, 66, 68 and 73 were withdrawn from consideration in response to the Examiner's Restriction Requirement in an Office Action dated January 11, 2008.

Claims 40-53, 64, 69-72 and 74-81 stand rejected.

Claim Rejections 35 U.S.C. § 112

On page 2, paragraph 3 of the Office Action, the Examiner rejects claims 69-72 for failing to comply with the written description requirement.

On page 3, paragraph 4 of the Office Action, the Examiner rejects claims 69-72 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The Examiner asserts that the claimed limitations "control means has a second, operable, mode in which **it does not** respond to the release of the releasable connector" in claim 69, and "second, operable, mode in which **it does not** respond to release of the releasable connector" in claim 70 are not described in the specification as originally filed and constitute new matter, and as these limitations are not clearly presented, one of ordinary skill would be hampered to clearly interpret the Applicant's claimed language (emphasis added by the Examiner).

Applicant respectfully disagrees and traverses the Examiner's rejections for at least the following cogent reasons.

The Examiner's attention is drawn to paragraph [0028] of the published application US Patent Publication No. 2006/0046745 (application as filed page 6, lines 24-28) for clear support for the description and the claimed language. Paragraph [0028] recites in part, --*"when the controller is in an inactive mode it does not respond to activation of the sensor. The user can select whether the controller 10 is in the active or inactive mode."*

Paragraph [0028] also recites in part, -- "*the controller 10 when in an active mode effects at least a partial disablement of the telephone 2.*"

It is submitted that one of ordinary skill in the art would clearly and unambiguously understand from the description in the specification as originally filed that the controller has a first mode i.e. an active mode, and a second mode, i.e. an inactive mode.

It is further submitted that one of ordinary skill in the art would clearly and unambiguously understand from the description in the specification as originally filed, that the controller in a second mode i.e., an inactive mode, does not respond to the release of the releasable connector as the claimed language is taken directly from the specification.

Applicant respectfully requests the withdrawal of the rejections under 35 USC §§112, first and second paragraphs.

Claim Rejections 35 U.S.C. 103

At paragraph 5, pages 4-10 of the Office Action, the Examiner rejects independent claims 40, 48 and 77 and dependent claims 41-45, 49-52, 64 and 78-80 under 35 U.S.C. §103(a) as being unpatentable over Sasakura (U.S. Patent No. 6,151,493) in view of Briffett (U.S. Patent No. 6,154,665).

At paragraph 6, pages 10-13 of the Office Action, the Examiner rejects dependent claims 46, 47, 53 and 81 under 35 U.S.C. §103(a) as being unpatentable over the Sasakura-Briffert combination in view of Rohrbach (U.S. Patent No. 5,898,783)

At paragraph 7, pages 13-15 of the Office Action, the Examiner rejects dependent claims 69-72 under 35 USC §103(a) as being unpatentable over the Sasakura-Briffett combination furter in view of Namekawa (U.S. Patent No. 4,809,315).

Applicant respectfully disagrees with these rejections.

To the extent the cited art might be applied to Applicant's invention as disclosed and claimed, Applicant submits the cited art fails to disclose Applicant's device comprising:

> unauthorized separation detection means arranged to detect release of a releasable connector connecting the device to a person; and
>
> control means, having a first mode in which whenever the releasable connector is released, the control means effects at least partial disablement of the device in response to the release of the releasable connector.

as set forth in independent claim 40.

Claims 41-47 are dependent directly or indirectly upon independent claim 40.

To the extent the cited art might be applied to Applicant's invention as disclosed and claimed, Applicant submits the cited art fails to disclose Applicant's device comprising:

> a detector configured to detect release of a releasable connector connecting the device to a person; and
>
> a controller having a first mode in which whenever the releasable connector is released, the controller effects at least partial disablement of the device in response to the release of the releasable connector

as set forth in independent claim 48.

Claims 49-53, 64 and 69-72 are dependent directly or indirectly upon independent claim 48.

None of the cited art taken separately or in combination discloses, suggests or teaches:

> *whenever the releasable connector is released, the controller effects at least partial disablement of the device in response to the release of the releasable connector*

as set forth in claims 40 –47, 48-53, 64 and 69-72.

To the extent the cited art might be applied to Applicant's invention as disclosed and claimed, Applicant submits the cited art fails to disclose Applicant's method comprising:

> detecting the unauthorized separation of a device from a person, while the device is in a first mode, by detecting the release of a releasable connector connecting the device to the person; and

> effecting at least partial disablement of the device directly in response to the release of the releasable connector, so that the device is at least partially disabled whenever the releasable is not connected to the device

as set forth in independent claim 77.

Claims 78-81 are dependent directly or indirectly upon independent claim 77.

None of the cited art taken separately or in combination discloses, suggests or teaches:

> *effecting at least partial disablement of the device directly in response to the release of the releasable connector*

as set forth in claims 77-81.

Sasakura discloses a cellular phone 30 and a transmission unit 10 which is worn by the owner of the cellular phone 30. The transmission unit 10 is card-shaped (see column 3, lines 45 to 46) and may be kept in the owner's breast pocket (see column 3, lines 52 to 53). The transmission unit 10 sends a signal to the phone 30 to keep it in operation. When the phone 30 is more than a predetermined distance from the transmission unit 10, and the strength of the signal sent by the transmission unit 10 drops below a threshold level, the phone 30 is disabled using a canceling unit 20 and an AND gate 36a in the phone 30 (see column 4, lines 14 to 28).

The canceling unit 20 provides an input to AND gate 36a. If the signal presence determination unit 22b in the canceling unit 20 determines that no ID signal is being received from the transmission unit 10, it outputs a signal to stop a signal generator 26 from producing a use prohibition canceling signal to the AND gate 36a. It appears that if this canceling signal is not sent from the signal generator 26 to the AND gate 36a via the switch 37c, the user will be unable to use the number and function keys 37a. Therefore, if a signal is not received from a transmission unit 10, the cellular phone 30 is completely disabled.

Briffett discloses a mobile telephone 1 comprising a telephone proximity unit 16 and a belt clip assembly 20 comprising a belt clip proximity unit 46. The telephone proximity unit 16 comprises a detecting contact 82 and the belt clip proximity unit 46 comprises a detecting contact 62. When the telephone 1 is situated in the belt clip assembly 20, the detecting contacts 62, 82 electrically contact each other. In the absence of electrical contact between the detecting contacts 62, 82, the telephone proximity unit 16 and the belt proximity unit 46 are switched on

(column 4, lines 36 to 39). The telephone proximity unit 16 then transmits a master proximity signal S2 to the belt proximity unit 46. After receiving the master proximity signal S2, the belt proximity unit 46 transmits a slave acknowledgement proximity signal S1 to the telephone proximity unit 46.

If the telephone proximity unit 16 does not receive the signal S1 (e.g. because it is not within the transmission range of the belt clip proximity unit 46), the telephone proximity unit 16 sounds an alarm and sends instructions to a microprocessor 4 of the telephone 1 "which switches the telephone 1 from its normal mode in which it waits to have a PIN number entered and all other functions of the telephone, such as the capability to receive or place a call, are unavailable to the user" (column 4, line 62 to column 5, line 10).

In relation to claims 40 and 48, the Examiner asserts that Sasakura discloses a device comprising "unauthorized separation detection means" and "control means, having a first mode [that] effects at least partial disablement of the device".

The Examiner has stated that Sasakura fails to teach "a releasable connector connecting the device to a person is released from the connector".

The Examiner then states that "[h]owever, Briffett teaches a release of a releasable connector connecting the device to a person... [i]t would therefore have been obvious to one of the ordinary skilled in the art to combine the teaching of Briffett with the system of Sasakura for the benefit of achieving a [sic] arrangement that includes a belt clip assembly which enables a physical connection of a telephone to a person's belt for convenient transportation".

Applicant respectfully submits that it is clear that the Examiner is reading claim 40 erroneously. Claim 40 recites that the device comprises "control means, having a first mode in which *whenever the releasable connector is released, the control means effects at least partial disablement of the device in response to the release of the releasable connector*".

Although Sasakura may disclose "control means having a first mode", it is clear that *Sasakura does not disclose "control means" having a first mode in which whenever the releasable connector is released, the control means effects at least partial disablement of the device in response to the release of the releasable connector*". This is because Sasakura does not disclose any sort of "releasable connector".

Briffett also does not disclose "control means, having a first mode in which *"whenever the releasable connector is released, the control means effects at least partial disablement of the device in response to the release of the releasable connector"*. This is because, in Briffett, disablement of the mobile telephone 1 of Briffett is not a direct consequence of the mobile telephone being removed from the belt clip assembly 20, but a direct consequence of the mobile telephone 1 being moved out of the transmission range of the belt clip proximity unit 46 of the belt clip assembly 20.

Provided that the mobile telephone 1 is not moved out of the transmission range of the belt clip assembly 20, it will remain operational. Therefore, the mobile telephone 1 of Briffett is not disabled by its control means "*whenever the releasable connector is released, the control means effects at least partial disablement of the device in response to the release of the releasable connector*", as set forth in independent claims 40 and 48 of the present application.

The Examiner is of the opinion that a person of ordinary skill in the art would "combine the teaching of Briffett with the system of Sasakura for the benefit of achieving an arrangement that includes a belt clip assembly which enables the user to attach a telephone to his belt for convenient transportation". Applicant disagrees.

If a person skilled in the art were to attempt to combine the teaching of Briffett with the system of Sasakura, it may well result in an arrangement that includes "a belt clip assembly which enables the user to attach a telephone to his belt for convenient transportation", as stated by the Examiner. Such a combination, however, does not result in a device that provides "*whenever the releasable connector is released, the control means effects at least partial disablement of the device in response to the release of the releasable connector*".

A person of ordinary skill in the art would clearly draw such a conclusion because both Briffett and Sasakura teach that disablement of a mobile telephone should only be effected in response to the diminution of a radio connection between the mobile telephone and an associated radio device. Neither Briffett nor Sasakura teach that a mobile telephone should have a mode in which, "*whenever the releasable connector is released, the control means effects at least partial disablement of the device in response to the release of the releasable connector*".

The addition of the teachings of Rohrbach does not overcome the fundamental deficiencies of the Sasakura and Briffett references as these references taken singly or in combination do not disclose, teach or suggest Applicant's invention as set forth in the independent claims 40, 48 and 77 and thus cannot fulfill the requirements for an obviousness rejection for similar reasoning and further for additional limitations set forth in the dependent claims.

Rohrbach discloses a SIM card 110 comprising data communication circuitry 200, logic circuitry 210 and disabling circuitry 220. Data communication circuitry 200 is operative to transmit a code identifying the SIM card 110, from logic circuitry 210 within the card, to a telecommunications network via a mobile station 100. The telecommunications network searches a disable database and returns a disable command if the unit code identifying the SIM card 110 is found in the disable database. In response to receiving a disable command, the disabling circuitry 220 is operative to incapacitate the logic circuitry 210 to prevent or limit further operation of the SIM card thereby being incapacitated with respect to the telecommunications network and systems independent of telecommunications network (see column 4, lines 13 to 25).

In Rohrbach, a message sent from the SIM card 110 to the network via the mobile station 100, which message merely identifies the SIM card 110 in the mobile station 100. The message does not explicitly instruct the network to disable the SIM card. The SIM card 110 is only disabled if the unique code identifying the SIM card 110 is found in the disabled database. The decision to disable the SIM card is therefore made at the network, rather than at the SIM card 110 or the mobile station 100.

The message disclosed in Rohrbach cannot therefore be considered to be " *a disabling message to the network instructing the network to disable normal operation of the telephone in the network* " as required by dependent claims 46, 47, 53 and 81. Applicant respectfully requests withdrawal of the rejection of these claims.

The addition of the teachings of Namekawa to check the on/off state of a sensor to save power does not overcome the fundamental deficiencies of the Sasakura and Briffett references as these references taken singly or in combination do not disclose, teach or suggest Applicant's

invention as set forth in the independent claims 40, 48 and 77 and thus cannot fulfill the requirements for an obviousness rejection for similar reasoning and further for additional limitations set forth in the dependent claims. Further, as understood, Namekawa is not user selectable.

In view of the foregoing, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. §103.

Conclusion

For all of the foregoing reasons it is believed that the claims of the application are in condition for allowance, and their passage to issue is earnestly solicited. Applicant requests the Examiner contact Applicant's attorney at the below listed number should there be any questions or issues remaining after review of the foregoing.

Respectfully submitted,

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